

FAX RECEIVED

MAY 17 2006

## FAX TRANSMISSION

OFFICE OF PETITIONS

DATE: May 17, 2006

PTO IDENTIFIER: Application Number 10/739,452-Conf. #9346

Patent Number

Inventor: Keita Hirai et al.

MESSAGE TO: US Patent and Trademark Office, OIPE Customer Service

FAX NUMBER: ~~(703) 308-7751~~ (571) 273-0025

FROM: EDWARDS ANGELL PALMER &amp; DODGE LLP

Peter F. Corless

PHONE: (617) 439-4444

Attorney Dkt. #: 60490(50498)

PAGES (Including Cover Sheet): 18

CONTENTS: Petition Requesting Withdrawal Of Holding Of Abandonment, Under 37 CFR 1.181(A) (2 pages);  
Copy of Completion of Filing Requirements mailed 4/6/04 (10 pages)  
Copy of postcard receipt acknowledged by the USPTO on 4/9/04 (1 page)  
Copy of Notice of Abandonment Under 37 CFR 1.53 (f) or (g) (2 pages)  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 439-4444 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874, Boston, Massachusetts 02205  
Telephone: (617) 439-4444 Facsimile: (617) 439-4170

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/739,452

Attorney Docket No.: 60490(50498)

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on May 17, 2006  
Date

**FAX RECEIVED****MAY 17 2006****OFFICE OF PETITIONS**Susan M Dillon

Signature

Susan Dillon

Typed or printed name of person signing Certificate

Registration Number, if applicableTelephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Petition Requesting Withdrawal Of Holding Of Abandonment, Under 37 CFR 1.181(A) (2 pages);

Copy of Completion of Filing Requirements mailed 4/6/04 (10 pages)

Copy of postcard receipt acknowledged by the USPTO on 4/9/04 (1 page)

Copy of Notice of Abandonment Under 37 CFR 1.53 (f) or (g) (2 pages)

Certificate of Transmission (1 page)

MAY 17 2006

**OFFICE OF PETITIONS**

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

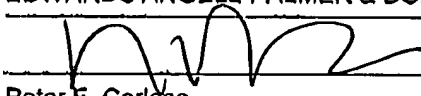
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/739,452-Conf. #9346
	Filing Date	December 17, 2003
	First Named Inventor	Keita Hirai
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	60490(50498)

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition Requesting Withdrawal Of Holding Of Abandonment, Under 37 CFR 1.181(A) (2 pages); Copy of Completion of Filing Requirements mailed 4/8/04 (10 pages) Copy of postcard receipt acknowledged by the USPTO on 4/8/04 (1 page) Copy of Notice of Abandonment Under 37 CFR 1.53 (f) or (g) (2 pages)
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Peter F. Corless		
Date	May 17, 2006	Reg. No.	33,860

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: May 17, 2006

Signature: Susan M. Dillon (Susan Dillon)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: May 17, 2006

Signature: Susan M Dillon  
(Susan Dillon)Docket No.: 60490(50498)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

In re Patent Application of:  
Keita Hirai et al.

MAY 17 2006

Application No.: 10/739,452

Confirmation No.: 9340

OFFICE OF PETITIONS

Filed: December 17, 2003

Art Unit: 3723

For: POWDER-SINTERED MULTI-LAYER TOOL  
PART AND MANUFACTURING METHOD  
THEREOF

Examiner: Not Yet Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: OIPE Customer Service

Dear Sir:

**PETITION REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT,**  
**UNDER 37 CFR 1.181(a)**

On May 4, 2006, the U.S. Patent Office mailed to Applicants a Notice of Abandonment. Pursuant to 37 CFR 1.181(a) and MPEP 711.03(c)(I), applicants contend that the above-identified application is not in fact abandoned and hereby petition for and request withdrawal of the holding of abandonment. As indicated in MPEP 711.03(c)(I), this petition does not require a fee.

Because this petition is being filed within two months of the mailing date of the Notice of Abandonment, applicants submit that the petition should be accepted and considered and not dismissed as untimely. See MPEP 711.03(c)(I)(C) and 37 CFR 1.181(f).

The Notice of Abandonment indicates that applicants failed to timely file a proper reply to the Office letter mailed on March 30, 2004.

Application No. 10/739,452  
Amendment dated May 17, 2006  
First Preliminary Amendment

2

Docket No.: 60490(50498)

Pursuant to 37 CFR 1.181(b), applicants provide photocopies of the following:

1. Postcard receipt, date stamped and acknowledged by the USPTO on April 9, 2004;
2. Copy of Completion of Filing Requirements mailed April 6, 2004; and
3. Copy of Notice of Abandonment Under 37 CFR 1.53 (f) or (g).

In summary, Applicants contend that they timely submitted all necessary papers and paid all necessary fees and that the above-identified application is not in fact abandoned.

Dated: May 17, 2006

Respectfully submitted,

By 

Peter F. Corless

Registration No.: 33,860

EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant

MAY 17 2006

Page 1 of 2

## OFFICE OF PETITIONS



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/739,452	12/17/2003	Kcita Hirai	60490 (50498)

CONFIRMATION NO. 9346

ABANDONMENT/TERMINATION  
LETTER

21874  
 EDWARDS & ANGELL, LLP  
 P.O. BOX 55874  
 BOSTON, MA 02205

Date Mailed: 05/04/2006

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/30/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

---

*A copy of this notice **MUST** be returned with the reply.*



Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

PFC

(21)

Mailing Date: 4/6/04 Attorney/Sec: PFC:smd  
Client: 50498 Docket No.: 60490  
Inventors: Hiral et al.  
Serial No.: 10/739,452 Patent No.:  
Filing Date: 12/17/03 Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:  
Completion of Filing Requirements; Copy of Notice to File Missing Parts; Check in the amount of  
\$145.00; Certificate of Mailing.



Due Date: 5/30/04

SF



FAX RECEIVED

MAY 17 2006

OFFICE OF PETITIONS

Mailing Date: 4/6/04  
 Client: 50498  
 Inventors: Hirai et al.  
 Serial No.: 10/739,452  
 Filing Date: 12/17/03

Attorney/Sec: PFC:smd  
 Docket No.: 60490

Patent No.:  
 Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:  
 Completion of Filing Requirements; Copy of Notice to File Missing Parts; Check in the amount of  
 \$145.00; Certificate of Mailing.

Due Date: 5/30/04

Edwards &amp; Angell LLP

28 Lord Road Suite 267 Marlboro, MA 01752

EXPLANATION	AMOUNT
Mult. Dep. 72203	145.00

57-1/115

2757

BY  
AMOUNT

one hundred forty five and 00/100

DOLLARS

CHECK  
AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	CHECK AMOUNT
6/04	Hon. Commissioner of Patents	50498/60490	2757	\$ 145.00

VOID IF 180 DAYS OR OLDER

 Fleet www.fleet.com



⑈002757⑈ ⑆011500010⑆ 93955 76629⑈

MAY 17 2006

OFFICE OF PETITIONS

Practitioner's Docket No. 60490 (50498)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: K. Hirai et al.  
Application No.: 10/739,452 Group No.: 3723  
Filed: December 17, 2003 Examiner: Not Yet Assigned  
For: POWDER-SINTERED MULTI-LAYER TOOL PART AND  
MANUFACTURING METHOD THEREOF

Mail Stop Missing Part  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMPLETION OF FILING REQUIREMENTS  
— NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed  
... March 30, 2004 ...

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

☒ A copy of the Notice to File Missing Parts of Application—Filing Date  
Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

---

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☒ deposited with the United States Postal Service  
with sufficient postage as first class mail in an  
envelope addressed to the Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450.

## FACSIMILE

☐ transmitted by facsimile to the Patent and  
Trademark Office.

Susan M. Dillon  
Signature

Date April 6, 2004

Susan M. Dillon  
(type or print name of person certifying)

(Completion of Filing Requirements—Nonprovisional Application—page 1 of 7)

**DECLARATION OR OATH**

- II. ☐ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

*NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 CFR 1.48(f)(1).*

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

*NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.*

*NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).*

*NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. 1.10(c).*

*(complete (c) or (d), if applicable)*

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

**AMENDMENT CANCELLING CLAIMS**

- III. ☐ Preliminary Amendment enclosed.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

(Completion of Filing Requirements—Nonprovisional Application—page 2 of 7)

*NOTE: For fee processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. 1.69(b).*

*NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. 1.52(d).*

### SMALL ENTITY STATUS

V. ☒ The undersigned confirms that this application is entitled to small entity status.

### COMPLETION FEES

#### VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. 1.53.

*NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. 1.28(a).*

1. Filing fee

☐ original patent application  
(37 C.F.R. 1.16(a)--\$750.00; small entity--\$375.00) \$ \_\_\_\_\_

☐ design application  
(37 C.F.R. 1.16(f)--\$330.00; small entity--\$165.00) \$ \_\_\_\_\_

2. Fees for claims

☐ each independent claim in excess of 3  
(37 C.F.R. 1.16(b)--\$84.00; small entity--\$42.00) \$ \_\_\_\_\_

☐ each claim in excess of 20  
(37 C.F.R. 1.16(c)--\$18.00; small entity--\$9.00) \$ \_\_\_\_\_

☒ multiple dependent claim(s)  
(37 C.F.R. 1.16(d)--\$290.00; small entity--\$145.00) \$ 145.00

3. Surcharge fees

☒ late payment of filing fee  
and/or

☒ late filing of original declaration or oath  
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00) \$ \_\_\_\_\_

(Completion of Filing Requirements—Nonprovisional Application—page 3 of 7)

*NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.*

*NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid, 37 C.F.R. 1.16(e).*

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. 1.17(i) and 1.47--\$130.00) \$ \_\_\_\_\_
5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. 1.17(k) and 1.52(d)--\$130.00) \$ \_\_\_\_\_
6. ☐ Fee for processing and retention of application  
(37 C.F.R. 1.21(l) and 1.53(d)--\$130.00) \$ \_\_\_\_\_
7. ☐ Assignment (See "ASSIGNMENT COVER SHEET".) \$ \_\_\_\_\_

*NOTE: 37 C.F.R. 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. 1.53(f) and this, as well as, the changes to 37 C.F.R. 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.*

Total completion fees \$ 145.00

#### EXTENSION OF TIME

#### VII.

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than ____small entity____	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Completion of Filing Requirements - Nonprovisional Application—page 4 of 7)

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

#### VIII.

The total fee due is

Completion fee(s)	\$ <u>145.00</u>
Extension fee (if any)	\$ <u>0</u>

Total Fee Due \$ 145.00

### PAYMENT OF FEES

#### IX.

☒ Enclosed are check in the amount of \$ \$145.00.

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. 1.22(b).

Please change Account No. 04-1105 for any fees which may be due by this paper.

(Completion of Filing Requirements--Nonprovisional Application--page 5 of 7)

### AUTHORIZATION TO CHARGE ADDITIONAL FEES

**X.**

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

**NOTE:** *"Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR 1.26(a).*

**[X]** The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 04-1105.

- [X]** 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
- [X]** 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** *Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- [X]** 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- [X]** 37 CFR 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
- [X]** 37 C.F.R. 1.17 (application processing fees)

**NOTE:** *"A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR 1.136(a)(3).*

- [ ]** 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. 1.311(b).*

**NOTE:** *37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

(Completion of Filing Requirements—Nonprovisional Application—page 6 of 7)

Reg. No. 33,860

Tel. No. (617) 439-4444

Customer No. 21874



SIGNATURE OF PRACTITIONER

Peter F. Corless

*(type or print name of practitioner)*

Edwards & Angell, LLP

P.O. Box 55874

P.O. Address

Boston, Massachusetts 02205

#119327

(Completion of Filing Requirements—Nonprovisional Application—page 7 of 7)





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/739,452	12/17/2003	Kcira Hirai	60490 (50498)

Peter F. Corless  
Edwards & Angell, LLP  
P.O. Box 9169  
Boston, MA 02209

CONFIRMATION NO. 9346

## FORMALITIES LETTER

\*OC000000012218285\*

Date Mailed: 03/30/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Additional claim fees of \$290 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$290 for a Large Entity

- Total additional claim fee(s) for this application is \$290
  - \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M-WAILE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY